

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JACK L. EARL, JR.,)
)
Petitioner,)
)
vs.)
)
CRAIG TURNBULL,)
)
Respondent.)
)

)
No. A02-0224-CV (HRH)

O R D E R

Proceeding on Order
of August 18, 2005

Further proceedings in this case with regard to petitioner's fourth ground for habeas corpus relief were conducted before the assigned magistrate judge as contemplated by this court's order of August 18, 2005.¹ As a consequence of those proceedings, the magistrate judge has served and filed a recommendation for the dismissal of ground No. 4.² After objections, the magistrate judge modified his recommendation,³ specifying that only that portion of ground No. 4 dealing with the testimony of Cyril Reape should be dismissed. The magistrate

¹ Clerk's Docket No. 47.

² Clerk's Docket No. 55.

³ Clerk's Docket No. 58.

judge's final recommendation leaves pending that portion of petitioner's fourth ground for relief which has to do with the positioning of guards during trial.

The most recent proceedings before the magistrate judge involved only legal matters, not any factual disagreements. The final recommendation of the magistrate judge⁴ is adopted. Having fully reviewed this matter, for the reasons and upon the authorities set forth by the magistrate judge, the court concludes that the portion of petitioner's fourth ground for habeas corpus relief having to do with the testimony of Cyril Reape is subject to dismissal, and it is hereby dismissed.

This case is again referred to the assigned magistrate judge for further proceedings.

DATED at Anchorage, Alaska, this 2nd day of February, 2006.

/s/ H. Russel Holland
United States District Judge

⁴

Id.